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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992
Addendum

INDONESIA

(17 November 1992)

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* These tables are available, in English, for consultation in the files of the Centre for Human Right.

IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD IN INDONESIA

I. INDONESIA: A BRIEF OVERVIEW

A. Physical characteristics

1. Indonesia is located in south-east Asia, between the Asian continent in the north and the Australian continent in the south. Its territory extends over 5,000 kilometres from east to west and 1,750 kilometres from north to south. Situated along the equator, Indonesia is the world's largest archipelago, stretching from 94° 45' to 141° 05' east longitude, and 6° 08' north latitude to 11° 15' south latitude, bordered in the west and the south by the Indian Ocean and in the north by the South China Sea.

2. The Indonesian archipelago consists of 13,667 islands, of which some 6,000 are inhabited. The major islands are Kalimantan with its Indonesian area of about 539,460 sq km; Sumatra, with 473,605 sq km; Irian Jaya, with 421,981 sq km; Sulawesi, with 189,216 sq km; Java, including Madura island, with a land area of about 132,187 sq km. About half of Indonesia is forested and much of it is mountainous and volcanic.

B. Climate

3. Indonesia has a tropical, monsoon-type climate, featuring slight changes of seasons and temperature, a high degree of humidity and periodically heavy rainfall. There are two monsoons: the East monsoon, of the dry season, running from May to September, which is influenced by Australian continental air masses, and the West monsoon or the rainy season, running from December to March, which is influenced by the Asian continental and the Pacific Ocean air masses passing over the ocean.

4. The annual precipitation varies widely among regions, but generally averages between 750 and 2,000 mm. However, in the mountainous areas of the equatorial rainbelt (parts of Sumatra, Kalimantan and Sulawesi) the rainfall may exceed 4,000 mm per year. The duration of the dry and the rainy seasons differ substantially among the major regions of the country. The daily temperature varies between 22° and 27°C.

C. Population

5. The population of Indonesia is the fourth largest in the world after the People's Republic of China, India and the United States of America. The 1990 Population Census has enumerated a population of 179,378,946. Compared with the 1980 population which was 147,490,298, the annual rate of growth during the decade was 1.98 per cent. This annual rate of growth is lower than that of the latter part of the decade, which was 2.32 per cent. In 1990 about half of the population were children, 0-21 years of age. The uneven distribution of the population over the regions is one of the population problems encountered by the Indonesian Government. About 60 per cent of the population is concentrated in the island of Java, which is only 7 per cent of the nation's land area. The population density of the island of Java is 814 per sq km, while at the same time the population densities of the other islands are much lower, varying between 4 to 77 per sq km. (See table I of the Annex A for population distribution).

D. Political and administrative system

6. Indonesia is a democratic State based on Pancasila and the 1945 Constitution. Pancasila is the nation's outlook on life, consisting of five philosophical principles which are inseparable:

1. Belief in the One and Only God.
2. A Just and Civilized Humanity.
3. The Unity of Indonesia.
4. Democracy guided by the inner wisdom of deliberation of representatives.
5. Social Justice for the whole of the Indonesian People.

7. Pancasila is part of the Preamble to the 1945 Constitution. The highest organ of the State is the People's Consultative Assembly. As the holder of the people's sovereignty, it elects a President and a Vice- President for a five-year term and determines the Guidelines of the State Policy to be carried out by the President in his capacity as the Mandatory of the Assembly.

8. The People's Consultative Assembly has 1,000 members, with 500 from the House of Representatives (of which 400 are members of political organizations that participated in the general election plus representatives from the Provinces) and 100 from the representatives of the Armed Forces.

9. Indonesia is divided into 27 provinces or first level regions. Each province is headed by a Governor who is responsible to the President through the Minister of Home Affairs and represents the central Government in his province. He has to account annually for the performance of the regional administration to the Regional Representatives Council, which is also entitled to demand an account of the use of the budget allocated to his province.

10. The Governor is assisted by a Regional Secretary, Regional Inspectorate and a Regional Planning Board. Central Government departments have regional offices in each province, which administer central Government programmes. These offices report to the Governor as well as to their central Government departments. Besides those regional department offices, the regional governments have their own "technical offices" in such areas as agriculture, health, education and culture, and public works. These offices report directly to the Governor, and cooperate closely with their counterparts in the provincial offices of the central departments.

11. A province consists of second level regions made up of districts (kabupaten) or regencies and municipalities (kotamadya), headed respectively by a Bupati and a Walikota (Mayor), who are appointed by the Minister of Home Affairs from the candidates elected by the kabupaten or a kotamadya representatives council on the recommendation of the Governor.

12. Below the district level the administrative units are not autonomous. These are kecamatans or sub-districts which are administrative subdivisionsof the kabupaten or kotamadya. The head of a kecamatan is a camat. Some national government departments have their branches in the kecamatan office, such as the departments of Information, Education and Culture, Religious Affairs, Agriculture, etc. There are also small units of regional police and the Military Command. The number of kecamatan in Indonesia is 3,592.

13. Each kecamatan consists of several villages (desa in rural areas and kelurahan in cities or towns). The village head in rural areas is elected by the village community, while the kelurahan head (lurah) is a civil servant appointed by Bupati or Walikota. The total number of the desa and the kelurahan is 66,744.

14. In each desa or kelurahan, the so-called rukun tetangga (neighbourhood community) and rukun warga (household association) are found. A rukun tetangga (RT) consists of about 40 neighbouring households. Several RT's are coordinated by their rukun warga (RW) chairman. Both of these organizations are voluntary and non-formal. The main activities of these organizations are to take care of the social matters of the neighbourhood, but to a certain extent they also assist the village or kelurahan office, with population registration, etc.

E. History, social attitudes and culture

15. The first proof of the earliest inhabitants of Java was discovered by Dr. Eugene Dubois in 1890. Fossils of the "Java man" (Pithecanthropus erectus) dating back 500,000 years were excavated near Trinil village in East Java followed by other finds in later years.

16. Migration movements to Indonesia have been traced back to 3,000 - 500 B.C. of Mongoloid stock from China and Tonkin introducing new Stone, Bronze and Iron Age cultures and the Austronesian language. Indonesia came under the influence of Indian civilization through the gradual influx of Indian traders in the first century A.D. when great empires began to emerge bound to Hinduism and Buddhism. By the seventh century, the powerful Buddhist Kingdom of Sriwijaza expanded and it was probably during this period that the spectacular Borobudur Buddhist sanctuary was built in Central Java. The thirteenth century saw the rise of the fabulous Hindu empire of Mojopahit in East Java, which united the whole of Indonesia and parts of the Malay peninsula and ruled for two centuries.

17. The first attempt to invade Indonesia was by the Mongol emperor Kubilai Khan who was driven back in 1293. With the arrival of Arab traders, Islam spread gradually until the end of the sixteenth century and replaced Hinduism and Buddhism as the dominant religion. Small Moslem kingdoms arose, but none too strong towards the European penetration which followed.

18. The first European to set foot on Java was Marco Polo in 1292, but it was much later that the Portuguese arrived in pursuit of the spice trade in 1509 and established trading posts which they controlled from the strategic commercial centre of Malacca on Malay peninsula. The Dutch followed at the turn of the sixteenth century and succeeded in ousting the Portuguese to the easternmost islands where the Spaniards held some ports. The Dutch expanded control of the entire area in the seventeenth and eighteenth centuries and held it until the outbreak of the Second World War known as the Dutch East Indies, it fell under British rule for a short period (1811-1816) when the Netherlands was occupied by France during the Napoleonic wars. After Napoleon's downfall, the Dutch returned to Indonesia and continued pursuing their colonial policy.

19. The Second World War brought an end to Dutch domination when the Dutch armed forces surrendered to the Japanese in March 1942. The years of Japanese occupation (1942-1945) were a period of hardship, poverty, famine and hard

labour. Under pressure from the nationalists, the Japanese authorities were brought to recognize the Red-and-White as the national flag, Indonesia Raya as the national anthem, and Bahasa Indonesia as the national language. Indonesia proclaimed its independence on 17 August, 1945.

20. Indonesia is rich in art and culture, which are intertwined with religion and age-old traditions from the time of early migrants with Western thoughts brought by Portuguese traders and Dutch colonists.

21. Indonesia's multitude of customs and traditions, or adatistiadat, vary from region to region according to the religious background and cultural heritage of the different ethnic groupings. These age-old customs and traditions sometimes are slightly modified for practical reasons or adapted to present-day life.

22. The social attitude of the Gotong Royong (mutual assistance), mufakat dan musyawarah (achievement of consensus through the deliberations), kerukunan (harmony) and tolerance, were the main characteristics of the communities, and up to now are still the basic principles of social intercourse of the Indonesian villages in the rural areas. Gotong Royong will step in when houses, mosques, churches or temples are to be built, irrigation networks constructed, roads or bridges repaired, and in cases of births, marriages, deaths and other village ceremonies or festivals; all are carried out collectively by the villagers without receiving anything in return. The social institutions at work in the villages, aimed at raising the living standard of the village people and at the same time stimulating greater active participation in rural development, are the "Family Welfare Movements", where women play an important role. They help improve health conditions, increase the nutritive content of the people's diet, and take an active part in implementing Family Planning Programmes while arranging courses on various skills.

23. The majority of the population (about 87 per cent is Moslem; however, the Indonesian Constitution recognizes freedom of religion as specified in the first principle of the Pancasila state philosophy, being Belief in one Supreme God. Churches, Hindu and Buddhist temples are found throughout the country as are mosques of the moslem faith.

24. There are about 300 local languages and dialects spoken in Indonesia by approximately 360 ethnic groups. Some of these languages, such as Sundanese, Javanese and Balinese, have their own scripts. The Sundanese, Javanese, Madurese, Balinese and Lombok languages have distinctive hierarchical speech levels used according to the status in the family or society of the person being spoken to. Bahasa Indonesia is the national language, which is akin to Malay, written in Roman script and based on European orthography. Although Bahasa indonesia has become the lingua franca, spoken and understood all over the country, local languages and dialects continue to be spoken and will not be abolished.

25. The vast area of land and sea of the Indonesian archipelago, its numerous islands and the great variety in features, which made mutual contact between the different sections of population almost impossible, have been responsible for the individual development of cultural patterns and consequently also for the existence of multifarious customs and traditions, the great number of languages and dialects spoken and the different types of music, arts, crafts and architectural styles in regions. Moreover, foreign cultures introduced by

Hindus, Buddhists, Moslems, Christians and European traders have enriched the Indonesian culture although with different rates of absorption. Nevertheless, in spite of diversity in many fields, the Indonesian people are yet one at heart, as is symbolised in the nation's motto inscribed in the Coat of Arms which reads "Bhineka Tunggal Ika", meaning "Unity in Diversity".

II. OBJECTIVE OF THE NATIONAL DEVELOPMENT PROGRAMME IN REGARD TO CHILD WELFARE

26. As stipulated in the Basic Guidelines of State Policy of 1988, the objective of national development in Indonesia is the development of the Indonesian individual in their totality and the development of the Indonesian society as a whole. Human development is a long process which should start from infancy.

27. Being aware of the importance of children towards the achievement of the national development objectives, the Government of Indonesia responded to the International Year of the Child in 1979 with various actions, inter alia, enacting the National Law corresponding to child welfare, declaring the National Child Day and the National Decade of the Child. The concern for children is further reflected in the inclusion of various programmes in the Fifth Development Plan (1989-1994) for inter alia, health, education, religious affairs, social welfare, women, family planning and youth. All of these programmes have a common objective: supporting the development of small, happy, prosperous families as a sine qua non of the development of individual Indonesians in their totality, including the child.

28. Since child development needs various sectoral involvements and good coordination, in 1989 a Presidential Instruction was enacted and addressed the establishment of the National Council of Child Welfare Development. The Council is chaired by the Minister Coordinator for People's Welfare, and its membership consists of the Ministrs of Health, Social Welfare, Religious Affairs, Women's Affairs, Education and Culture, and Home Affairs. The Council's task is to develop a national policy and guidance for the implementation of child welfare development, either carried out by the Government or by the community, including NGOs. With the inception of Presidential Instruction #2/1989, all efforts and responses concerning child welfare development will be coordinated in the respective sectors. The task of the Council also includes the management of the Convention on the Rights of the Child, providing guidance towards the enhancement of Indonesian child welfare.

III. GENERAL MEASURES OF IMPLEMENTATION

A. Measures taken to harmonize national law and policy with the provisions of the Convention

29. Since the declaration of the International Year of the Child in 1979, Indonesia has been trying to develop various national laws regarding the betterment of child welfare. Since then several laws have been enacted: the Child Welfare Law (1979), the National Education System Law (1989), and the Population Development and the Family Welfare Enhancement Law (1992). There have also been national laws related to the protection of the child, such as the Marriage Law (1974) and the Labour Law (1948).

30. The Child Welfare Law has some similarities with the Convention on the Rights of the Child, in particular those stipulated in article 2, where the text fully reflects the provisions of the rights of the child, as follows:

"Article 2:

2.1 Child is entitled to welfare, care, foster, and guidance based on love within the family or special environment to grow and develop based on its inner potential.
2.2 Child is entitled to develop his/her ability and become a useful citizen.
2.3 Child is entitled to protection before and after birth.
2.4 Child is entitled to protection from a potentially dangerous environment which may obstruct his/her growth and development.

Article 3:

In special circumstances a child should have priority for help, assistance, and protection."

31. Recognizing the importance of human progress to pursue the quality of the human being there is another important national law corresponding to the development of the child, that is the National Education System Law. The objective of the law is to improve the people's intellectual capabilities and to develop Indonesian individuals in their totality, as people with true faith in and fear of God Almighty and of good character, having good knowledge and skills, with good physical and mental health, and responsible to their nation and society:

"Article 6: (Law No. 2/1989)

Every citizen is entitled to collect knowledge, ability and expertise at least equivalent to 9 years basic education level (6 years primary school + 3 years secondary school)...

Article 7:

Acceptance of someone to an educational institution is indifferent as to sex, religion, tribe, race, social status and economic status."

32. Recognizing also that the child is innocent and heavily dependent, particularly on his/her parents and adults, the national law on marriage stipulates the responsibility of every parent to their children, as written in article 45 of the law, as follows:

"45.1 Both parents are obliged to take care of and educate their children to the best of their ability.

45.2 The aforementioned obligation applies until the child is independent or married, the obligation applies even in the case of parental separation."

33. In the light of child protection, there are several national laws used as guidance particularly pertaining to child labour, protection against narcotic abuse and prevention of child delinquency.

34. Like other developing countries Indonesia faces many problems in eliminating child labour, which is mostly brought about by poverty. The Government is trying to implement a special programme to provide child labourers with such basic care as health and education. In relation to the protection against narcotic abuse, a special task force was established in 1976 by Presidential Decree, Bakolak Inpres No. 9.

35. Ever since Indonesia ratified the Convention on the rights of the Child there has been a constant effort to improve national laws pertaining to children, for example: law on child protection in case of parental separation; the Supreme Court Circulate No. 6, 1983, on child adoption.

B. Mechanisms to implement the provision of the rights of the child at the national, provincial and local level

36. The provision of the rights of the child basic human rights has been integrated into the national development programmes carried out by various sectors, either government or private, and community activities. Child-related problems are cross-sectoral ones pertaining to every sectoral development plan and programme. With regard to this situation and to pursue an optimal effort to provide child services a Presidential Decree was enacted in 1989: Instruksi Presiden No. 2, Tahun 1989 Tentang Kesejahteraan Anak. The objective of the decree is:

(a) To instruct the Minister Coordinator for People's Welfare and other ministers concerned to develop a coordinating policy, plan and programme pursuing the enhancement of child welfare;

(b) To coordinate the implementation of individual sectors, either government or private, solely or together, in carrying out child welfare programmes;

(c) To establish a national and provincial committee on child welfare, to evaluate and report regularly to the President on the implementation of child welfare development.

37. As mentioned previously, at the national level the committee is chaired by the Minister Coordinator for People's Welfare. At the provincial level, the committee is chaired by the Governor, and its membership consists of the respective representatives of the ministries and private organizations concerned.

38. The task and the functions of the standing committee are:

(a) To implement the national policy and, programmes through sectoral and private activities;

(b) To report annually on the achievement of the activities;

(c) To encourage community participation by enhancing community awareness of the provision of basic services for children.

IV. DEFINITION OF THE CHILD

39. According to the national laws and regulations there are many approaches to pursue the best interests of the child. Indonesia makes a distinction in its national law on the definition of the child. The upper limit of the age of the child ranges between 16 and 21 years. As stated on the Child Welfare Law, a child is a person below 21 years of age, unless he or she is married. The essence of this definition is to provide maximum protection, guidance and support to the child (either healthy or disabled) to grow optimally under any circumstances.

40. The Marriage Law states that a girl of below 16 years or a boy of below 19 years is not eligible for marriage. In other words, they are considered still to be children. The distinction of this definition is based on the biological, cultural and traditional way of life, particularly in rural areas, where the majority of the population are farmers who usually adopt a younger marriage age.

41. According to the National Defence Law (Law No. 20, 1982) voluntary enlistment into the armed forces is eligible for people of 18 years of age and over. No single Indonesian soldier or Indonesian citizen engaged in the armed forces can be defined as a child (under 18).

42. To some extent local regulations come into force to protect the child against abuse and influence of particular conditions such as pornography, etc. In this regard, the definition of a child varies between 14 and 18 years of age. With regard to alcoholic consumption, a special regulation is unnecessary, because the majority of the population are Muslim who are prohibited to consume alcohol. Community control is the most important factor to avoid alcoholic abuse among children.

V. GENERAL PRINCIPLES

A. Non-discrimination

43. The Child Welfare Law maintains that assistance and services for the child are his right, and are indifferent as to sex, religion, tribe, race, social status and economic status. In education the sex differential has been reduced, as indicated in the following table.

Percentage of children who are attending school, 1990

Age	Male	Female
5 - 6	25,7	28,5
7 - 12	91,4	91,7
13 - 15	66,8	62,9
16 - 18	44,5	37,9

B. Best interests of the child

44. According to article 34 of the 1945 Constitution the State is responsible for the poor, orphaned and abandoned children. Based on natural and traditional values every Indonesian family puts a high value on their child as a family asset. This view is reflected in numerous national laws, particularly as stipulated in article 45 of the Marriage Law, mentioned above. As a developing country, Indonesia is still facing many limitations in implementing national laws concerning the best interests of the child. These problems are shared equally by families, communities and the Government. For the low-income group, due to their economic difficulties they are unable properly to provide their children with services based on their rights. To address this situation, in the best interests of the child, the Government has launched various programmes entitled Instruksi Presiden (Presidential Instruction), to alleviate poverty, enhance equity, address poor family incomes in remote rural areas and urban slums.

C. The right to life, survival and development

45. The philosophical basis of the Indonesian State, the Pancasila, embraces humanitarian perceptions that are interlinked. The first principle of the Pancasila is belief in one Supreme God. This belief has influenced the daily life of the citizens, so that every citizen has the right to life which is given by God Almighty. This principle is also reflected in numerous national laws including the Child Welfare Law mentioned in earlier paragraphs.

46. The Government is aware that the infant and the under-five mortality rates are still high. To ensure the right to life, the Government considers that the survival and development programmes are very important. Besides the general measures taken according to the law on health and education, several related regulations are coming into force to enhance the survival rate and the development progress of children. Indonesia realizes that the role of national and community leaders is very important to support the survival and the development of children. Therefore, Indonesia joins the international movement which puts children at the centre of the development issue, such as the International Year of the Child and the World Summit for Children.

47. At the national level, Indonesia has launched a Child Decade with the objective to educate the community, especially the families, to be aware that children are family assets and also future human resources for development, to be provided with optimal care to ensure their survival and development. There are still many problems to be faced by the communities in the outer areas, particularly in eastern parts of Indonesia. Their mortality rates are still relatively high, as indicated in table II of the Annex.

48. The Government has been making some efforts to improve child welfare by establishing national and provincial Standing Committees on Child Welfare.

D. Respect for the views of the child

49. Traditionally Indonesian parental behaviour is paternalistic. Children have no right to express their views to their parents. However, modernization, as a result of a continuous development, has brought about gradual changes in parent and child attitudes, so that they are now more democratic in exchanging ideas in their family. This democratic way of life is usually found more among the younger generation.

50. In line with the change in family behaviour, the National Education System Law indicates that there are opportunities for the child to share ideas through a school organization named OSIS (Local Student Organization). In this organization pupils have the right to express their views. At the same time they also have the obligation to respect society. That is the interpretation of the integrated concept of human rights in Indonesia.

VI. CIVIL RIGHTS AND FREEDOM

A. Name and nationality

51. According to the marriage Law and the Citizenship Law a child shall have Indonesian nationality irrespective of where the child is born, whether within or outside Indonesia's territory. Every child is entitled to a national identity. A child born as a result of illegal marriage assumes the nationality of his or her mother.

B. Preservation of identity

52. The component of identity includes name, nationality, skin colour and sex. They are under protection of the law and nobody shall force children to give up their identity. According to article 8 of the Convention and the Marriage Law that the parent has the obligation to preserve the child's identity through the provision of the basic rights. Every Indonesian child usually takes their family name, either their father's or their mother's, as a civil status related to the preservation of their identities.

C. Freedom of expression

53. The implementation of article 13 of the Convention in Indonesia is in accordance with article 5 of the National Education System Law which says that everybody has the right to express his/her thoughts and wishes in the learning process. Universal education provides the opportunity for every citizen to express their thoughts as a part of the learning process either in the school environment or a wider one (community). However, within a family, traditionally and culturally, to some extent the children do not have the opportunity to express their wishes in an open forum. The new generation has different ways to nurture their children, which are more democratic; they consider each other as friends. In a formal structure such as in a school system, the Government is trying to encourage freedom of expression as a part of an self-reliance process through the establishment of the so-called Local Student Organizations and the Boy Scouts.

D. Access to appropriate information

54. Indonesian children receive appropriate information through various reading materials, radio and television. However, to protect children against hazardous information which is incompatible with the national philosophy and ideology, the Law on Publication restricts certain reading materials, videos and cassettes, particularly pornography. The Attorney General can introduce a ban with appropriate fines and sentences for violations. Some difficulties have been faced by Indonesia recently because of the introduction of satellite technology which can broadcast foreign programmes and which are not fit for Indonesian children because they are vulgar, violent, contain sex, etc.

E. Freedom of thought, conscience and religion

55. The implementation of article 14 of the Convention is in line with article 4 of the National Education System Law. The objective of the National Education System Law is to enhance the intelligence of Indonesian citizens as part of the development of the human being.

56. The Indonesian education system includes education in religion, which is in accordance with the Indonesian Constitution. In Indonesia, based on the national philosophy, one respects individual development based on religion. There are five religions, namely Islam, Catholic, Christian, Hindu and Buddhist. Although more than 90 per cent of Indonesian citizens are Muslim, Indonesia does not accept a minority or majority concept. Every citizen has the right and freedom to practise any religion according to their faith.

F. Freedom of association and of peaceful assembly

57. Indonesia's 1945 Constitution stipulates that every citizen has the right of association and peaceful assembly. The implementation of the Constitution has been elaborated in accordance with the Law on Political Parties and also with the Law No. 8, 1985 on Social Organization.

58. In fact, Indonesian children have their own assemblies. These are the Local Student Organizations and the Boy Scouts Association. Every year the Local School Organization and the Boy Scout Association hold a national gathering to discuss programme activities and the organization of a forum to exchange views and ideas.

G. Protection of privacy

59. According to the national philosophy, Pancasila, Indonesia respects the rights of every individual including his or her privacy as citizens. However, Indonesia has its own perception of human rights, which follows an integrated concept. Every citizen has rights, but also has obligations as a member of society.

60. The protection of the privacy of children in Indonesia, in regard to the privacy of the family, is in accordance with the integrated perception.

H. The right not to be subjected to torture or other cruel, inhuman, or degrading treatment or punishment

61. Article 45 of the Penal Code defines the punishment for the use of torture or other cruelty, including beating, on children. In general, the implementation of the Penal Code has been carried out by the judicial system. However, in the family and society some injuries to children still occur and are left unpunished, because the society regards the incident as guiltless.

62. Indonesia is still facing many difficulties in such cases, because community awareness to report these incidents to the respective authority is very low. To some extent the role of the press is very helpful in bringing this issue before the public.

VII. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

63. In Indonesia, based on religion, culture, and tradition, a household may consist of parents and their children and also grandparents.

A. Parental guidance and parental responsibility

64. In daily life and according to the marriage Law, parents are responsible for, and have an important role to nurture, their children as a part of the socialization of their children. According to the Child Welfare Law, particularly article 9, parents have the main responsibility to develop the child's welfare either physically or mentally and spiritually, and their social well-being. That responsibility is valid until the child gets married and becomes an adult.

65. Parental guidance and responsibility to improve human quality have been incorporated in the National Development Programme entitled Bina keluaga Balita or the Development of the Under-5 Family. The services rendered to the children are enjoyed by to the entire Indonesian family. Although the main responsibility to take care of the child belongs to the parent, the Government is keen to support low-income families. In the rural areas the Government has launched a special programme entitled Inpres Kesehatan.

B. Separation from parents

66. Children have the right to live with their parents and according to the marriage Law, even in the case of divorced couples, the parents should continue their obligation to watch over their children. Since Indonesia adopts an extended family norm, and under the influence of religion and tradition and in the spirit of the Pancasila philosophy, when children are separated from their parents, due to particular reasons, the care of the children will be taken over by their relatives. If there are no relatives responsible for the separated children, the Government and the society will take responsibility.

67. There are about 4,305 foster care centres in Indonesia.

C. Family reunification

68. According to the Marriage Law, the Government assures family reunification as long as it conforms to article 42. The Indonesian culture supports family reunification without examining the cause of the separation of the children from the family.

69. Since Indonesia has had no experience in handling refugees, except for boat people that receive special treatment in that Galang area, and the implementation of inter-country adoption is very scarce, Indonesia will share with other countrys' their experience about the matter.

70. Indonesia supports the ideas of the International lawyer Society to conduct an international agreement to support family reunification, which will be held in Amsterdam in 1993.

D. Recovery of maintenance for the child

71. In accordance with the 1945 Constitution, particularly article 34, the Government is responsible to take care of the poor and the abandoned children. The implementation of the Constitution carried out by the Department of Social Affairs. At the end of the fifth Five Year Development Plan (1994), 2,500 social organizations will participate in addressing this aspect. With regard to Indonesian children living abroad, the Indonesian Government is still exploring international cooperation to carry out such particular services.

E. Children deprived of a family environment

72. According to article 10 of the Child Welfare Law the State is responsible for providing protection and care to children who live in a deprived family environment either temporarily or permanently. The implementation of this law is supported by the religious influence so that the community is obliged to establish various kinds of foster care institution. The Government has established a special foundation named Dharmais Foundation to provide attention to children deprived of a family environment. The programme of the Dharmais Foundation is to support theeducational activities for children, and give them opportunities to participate in the development process. Another foundation, named Yayasan Sayap Ibu, has special interest to foster the orphaned.

F. Adoption

73. Although a special law on adoption does not at present exist in Indonesia, because of tradition and religious beliefs the adoption process has been carried out smoothly. To some extent, Indonesia has faced problems in inter country adoption. To overcome this, a special regulation has been circulated under Supreme Court Circular No. 6, 1987. To prevent child abuse carried out through adoption, the Minister of Social Affairs has appointed certain foundations and given them authority to handle inter- country adoptions. To give assurance to children adopted abroad, Indonesia welcomes the european Convention on the Adoption of Children. However, the implementation of inter-country adoption will be carried out in accordance with the Indonesian Supreme Court Circular.

G. Illicit transfer and non-return

74. Since the illicit transfer of children usually is through inter- country adoption and the number of the incidents is very small, Indonesia has no experience to report on it. Meanwhile, according to article 297 of the Penal Code, the illicit transfer of children is against the law.

H. Abuse and neglect

75. To protect children against all forms of physical, mental, violence, injury, abuse and neglect, laws have been enacted such as the Penal Code article 301, the Child Welfare Law, article 11, and especially for drug abuse, Presidential Instruction No. 6, 1971. Meanwhile, due to low awareness of the community of child abuse and neglect, many cases which can be categorized as abuse and neglect are still found within the community.

76. To prevent and minimize such cases, the Government has carried out a special measure emphasizing community education on child abuse and neglect. In July 1992, a special seminar on child abuse was carried out by Dharma Wanita (a civil servants' wives organization) and attended by 500 participants. A programme on street children was launched with the objective on preventing child abuse and to promote child development, entitled "Program Esok Penuh Harapan" (Hopes for Tomorrow).

I. Periodic review of placement

77. Indonesia has not yet had any experience to report on this matter.

VIII. BASIC HEALTH AND WELFARE

78. According to the Preamble to the 1945 Constitution, every citizen has the right of welfare, intelligence, and a decent standard of living, to beable to contribute to world peace and order based on independence, external peace and social justice. To implement this message a new health law was enacted in 1992 with the objective that every individual citizen has equal rights to optimal health standards.

A. Survival and development

79. Through regular and consistent five-year plans, the Government has carried out programmes to enhance child survival and development. Health centres and primary schools have been established throughout the country. Health and education services have achieved a substantial impact. Infant mortality has been decreasing, from 63.8 in 1985 to 51.5 in 1990, and the under-5 mortality rate is decreasing, from 80.6 in 1985 to 63.0 in 1990. The general participation rate for basic education has increased from 78.1 per cent in 1985 to 83.6 per cent in 1990; the pupil per teacher ratio for those years was 23.4 in 1985 and 20.6 in 1990, while the pupil per class ratio was 31.2 in 1985 and 29.8 in 1990.

B. Disabled children

80. According to the Constitution disabled children have equal rights to services as an ordinary child. To promote intelligent and skilled children, special schools have been established with special dormitories suited to the needs of the disabled child. At present, there are 200 schools with 350,000 disabled children. People are still reluctant, however, to register their disabled children. Because of a lack of knowledge to detect disabled cases, Indonesia is still facing some problems collecting accurate figures of disabled cases. A programme has been launched in Surakarta (Central Java), named "Community-Based Diagnostic and Rehabilitation Programme for Disabled Children". Through this programme the Government hopes that services for disabled children will be provided more widely to the needy.

C. Health and health services

81. The Government is aware of the importance of reducing the infant and under-5 mortality rates and the related factors as a part of the human development. According to article 4 of Health Law No. 23, 1992, every individual has the right to obtain the highest degree of health standards and

the right to obtain health care. A comprehensive health care system has been established to carry out child and maternal health, nutrition, provision of safe water, immunization, health education, family planning and a campaign on breast-feeding. Further information on government activities to provide services to children can be examined in table III of the annex.

D. Social security

82. Taking into consideration the traditions and religious factors adopted by the Indonesian community, the family network is the major institution to provide insurance of child survival and development. Indonesia is still seeking a national insurance system. For some groups there are insurance systems (for the government civil servants and the armed forces, privatemedical insurance systems, life insurance systems, accident insurance systems, etc). In the villages particularly, women organizations try to develop a local insurance system called Dana Sehat. This system offers services for the villagers, particularly mothers and under-5s.

E. Standard of living

83. In 1990, Indonesia's per capita income was $550, the daily calorie consumption per capita was 2015 Kcal, and the daily protein consumption per capita was 48 grams. (see also table V of the annex). Although the overall picture representing the standard of living has improved, Indonesia still faces problems of malnutrition, particularly among the under-5s. In 1990 about 54 per cent of the under-5s had a good nutrition status, and approximately 1 per cent of the under-5s a poor nutrition status. Mostly, the poor nutrition status is found in remote areas with a lack of knowledge of nutrition. Since 1984 Indonesia has become a rice self-sufficient country.

IX. EDUCATION, LEISURE AND CULTURE

A. Education, training and guidance

84. The Indonesian Constitution of 1945 explicitly states that the Government has the obligation to develop one single national education system, based upon the Pancasila philosophy and the 1945 Constitution. In the course of time, since the achievement of national independence, various laws dealing with education and instruction have been promulgated. An improved integrated national education law covering all activities and programmes relating to education was enacted in 1989. The objectives of the national education efforts are to improve the people's intellectual capabilities and to develop Indonesian individuals in their totality, as people with true faith in and fear of Almighty God and of good physical and mental health, a solid and independent personality and true feelings of responsibility for the nation and society.

85. The Government is the principal source of funding for all educational activities. Starting with the fourth Repelita or Five-Year National Development Plan (1984-1989), a decentralization policy has been introduced, which implies that the responsibility for planning has been transferred from the central Government to the provincial and district administrations. It should also be noted that private institutions and non-governmental organizations also have contributed much to shouldering the expenses for the achievement of the national education objectives.

86. The 1989-1994 Five-Year Development Plan also projected compulsory basic education. The Education Law of March 1989 defined basic education as a six-year primary cycle, plus another three-year secondary school cycle. There are plans that by 1994 compulsory education will involve a nine-year cycle, instead of the current six-year cycle. This would mean that children will have to attend school until the age of 14.

87. All public schools follow a uniform curriculum compiled by the Ministry of Education and Culture. The private religious schools, mostly Islamic, combine religious and academic instruction. The religious schools are under the supervision of the Ministry of Religion.

88. Children start their school education at the age of seven. Before entering primary school, there is a trend among parents to have pre-school-age children attend kindergartens or play-groups. These institutions are usually run by private organizations.

89. Indonesian schools are mostly coeducational. The junior secondary schools usually have a three-year course and provide primarily an academic education, without any vocational training. But there also exist vocational schools at the junior secondary level. The senior secondary schools also provide a three-year course for students who have successfully finished the junior secondary school courses. There are also vocational schools at the senior secondary school level, including commercial secondary schools, technical secondary schools and home economics secondary schools.

90. Higher education is offered at public universities, at teacher training institutions and also at polytechnics. At the higher education level, private participation is quite substantial.

91. There are also special schools for handicapped children. Unfortunately, they are small in number and are heavily concentrated in larger cities.

92. Classes at the elementary schools are somewhat large, with about 40 children per class. Some schools run their classes in two shifts, with morning and afternoon classes. It was recently reported that in some places the enrolment of first grade elementary school pupils has been declining. This phenomena can be assumed to be due to the success of the national family planning programme.

93. The following are some statistics on school attendance in Indonesia:

Type of School	Number of Pupils		
	Public	Private	Total
Kindergarten	9,194	1,598,080	1,604,254
Special schools	1,831	20,797	22,628
Primary schools	24,457,082	1,891,294	26,348,376
Junior secondary schools	3,430,843	2,155,278	5,686,118
Senior secondary schools	613,093	2,287,574	3,900,667

94. In public schools enrolment is free of charge. However, it must be noted that the drop-out rate is high, reaching 4.14 per cent. The reasons for dropping out are not yet clear, but it may be assumed that economic problems faced by the parents could be the main reason. Many of the children have to assist their parents on the farm or on fishing boats, orhave to earn money by hawking food or cigarettes, or working as newspaper or shoeshine boys.

95. When the parents face economic problems, usually daughters give up school. Sons still have the opportunity for formal schooling. It will take some time before the parents can be persuaded that the opportunities for schooling, which give the children better chances for success, should not be influenced by gender. This should not be interpreted to mean that the girls are given less opportunities by law. The National Education System Law gives all citizens equal rights and opportunities to study, without any discrimination as to gender, religion, ethnic group or race.

96. To prevent school-age drop-outs from backsliding into illiteracy, the Government has published a series of book packages aimed to continually develop or maintain literacy. Such skills will be demanded at the workplace in civic, community and personal functions. Newspapers are especially designed for distribution in rural areas, for display at notice boards and also are made available at village community centres. Education programmes are also broadcasted by radio and television.

97. The National Education System Law also stipulates that libraries should be available at all schools to promote and support independent studies (art. 35). However, as yet only a few schools have their own libraries. To meet this need in the absence of school libraries, children make use of public district libraries, mosque libraries and mobile libraries circulating in the villages.

B. Leisure, recreation and cultural activities

98. In addition to formal school education, children are also given opportunities for self-development according to their individual inclinations. A variety of sports and art activities are available outside of school: OSIS (Local Student Organization), the Pramuka (Indonesian Boy and Girl Scouts) movement, the Karang Taruna (Community Youth Association) and Youth Red Cross Organization.

99. The Praja Muda Karana (Pramuka) movement, the successor to the Boy Scouts Movement, is aimed at developing character and patriotic feelings among young children. This movement is non-political, non-military, and non-sectarian and is sponsored by official, religious, national and labour organizations. Pramuka and Red Cross activities have now been included in the school curriculum. In the Pramuka organization there are usually three groups or divisions, based on age. The Siaga group consists of children between the ages of 8 and 12 years. The Panggalang group is for children aged 12 to 15 years, and their leaders are named Pembina. The Karang Taruna is a collective activity of young people in the field of non-formal education. Its activities are organized at the village level and have existed since 1961. Its purpose is organizing the young people at the village with the following objectives:

(a) Establishing harmony and concord;
(b) Preventing egoism among the young people;
(c) Promoting sports, the arts and culture;
(d) The prevention of juvenile delinquency;
(e) Assisting communal activities; and
(f) Boosting self confidence

100. In support of the Child Welfare Law, the Government offers significant opportunities to the community, NGOs and organization to develop and provide recreation facilities, playgrounds and sports facilities in every residential area, in particular for the recently constructed residential estates.

X. SPECIAL PROTECTION MEASURES

101. According to Indonesian tradition, a family is the safest institution for the protection of its members, including children. The family provides physical, mental and spiritual protection, and gives guidance to the child to be able to live as a good and gentle person in society. In particular cases, the Government and the national law offer protection to the child.

A. Children in situations of emergency

1. Refugee children

102. Indonesia has not prepared an explicit law on refugees. The flow of foreigners is covered by the law on immigration. Refugees such as those called boat people are, in cooperation with UNHCR, temporarily placed in isolation and do not interact with local people. The temporary placement is provided on humanitarian grounds before a final destination to a resettlement country.

103. The Government is committed to provide services for children on humanitarian grounds, namely basic health care for under-5s, education and social activities so that children can live in a normal and healthy living environment.

2. Children in armed conflicts

104. Fortunately, since 1966 the political, social and economic situation in Indonesia has been stable. Thus, Indonesia has not had any experience in offering services for children in a region having armed conflict. Meanwhile, according to article 3 of the Child Welfare Law, in any circumstances including in an emergency situation, children should be protected first.

B. Children in conflict with the law

105. At present the Government is still preparing the promulgation of the Juvenile Law. The Penal Code makes it clear that legal action against juvenile offenders is aimed at educating them and helping them to redress their misdeeds. Under the Minister of Justice Regulations, in 1983 a council was established named Balai Bimbingan Kemasyarakatan dan Pengentasan Anak. The function of the council is to provide social guidance for court materials, guidance to the child to become a good citizen, and to assist a child in a court proceeding.

1. Children deprived of their liberty

106. Liberty depriviation is overcome through an educational approach. Accused under 16 can be returned to parent, taken care of by the State or sentenced but not revenged. An accused child can be educated by the State in a special arrangement or educated by an appointed institution in a special arrangement.

2. The sentencing of juvenile offenders, in particular the prohibition of capital punishment and life imprisonment

107. Death sentences and life sentences apply only to adults. The maximum sentence for children if 15 years'imprisonment.

C. Children in situations of exploitation, including physical and psychological recovery and social reintegration

1. Working children

108. According to the Labour Law, the child is defined as a person below 14 years of age. Protection is applied to particular employment such as working at midnight, prohibition against children working in a closed room, in harbours, railways, the mining industry, etc. To protect children further there is some limitation on the hours of work, that is not to exceed four hours per day.

109. Some families have low income and, according to the tradition of mutual assistance (gotong royong), Indonesia faces problems of children who work in informal sectors. The 1990 population census indicated that 2,236,900 children out of the total number of 10-14-year-old children in Indonesia are economically active. To prevent the negative effects on working children, a pilot project on the elimination of the negative effects on working children will be carried out in cooperation with the ILO. In 1994 Indonesia will carry out a universal education programme. One of the targets is to provide education services for school-age children who have no ordinary schooling because they are working. The Government is planning to force factories employing children to provide education and health services.

Percentage of economically active 10-14-year-old children

	Urban		Rural		Urban/Rural		Total (thousands)	
	1980	1990	1980	1990	1980	1990	1980	1990
Male/Female	3.7	4.6	13.2	12.8	11.1	10.4	1,958.2	2,236.9
Male	3.2	4.3	15.3	15.0	12.8	11.9	1,163.9	1,313.6
Female	4.2	5.0	10.9	10.5	9.4	8.9	794.3	923.3

2. Drug abuse

110. The National Law on the protection and prevention of narcotic abuse was enacted in 1976, and followed up by the Ministerial Decree on Health No. 363, to supervise the use of psychotropic drugs and narcotics by the medical services. To prevent children (school children) from abusing drugs the Minister of Education, in cooperation with the Minister of Health, issued Ministerial Circular No. 388, 1980.

111. In Indonesia the number of drug victims is relatively small. The Government is aware of the importance of drug problems throughout the world. A presidential instruction has been enacted appointing a special body to be responsible to handle drug problems.

112. The participation of the community in the prevention, cure and rehabilitation of drug addicts is very important to the solution. A foundation has been established, named Bersama. The main function of Bersama is in the field of community education on prevention of drug abuse. The role of religious leaders and religious groups, particularly in the rehabilitation, is also appreciated by the society.

3. Sexual exploitation and sexual abuse

113. By definition, child prostitution is a case where a child of below 16 years of age is employed in prostitution. Due to the religious influence and strong control of the community, child prostitution and sexual exploitation are not prevalent in Indonesia.

114. According to Penal Code No. 287, prostitution and other pornographic activities are prohibited with a maximum sentence of nine years in prison.

115. The implementation of the national law to prevent child prostitution is facing problems due to the difficulties in recognizing the exact age of the prostitute and to the low level of education and awareness of the community.

XI. CONCLUSION

116. The ratification of the Convention on the Rights of the Child by Indonesia and the implementation of the Convention shows that Indonesia is committed and respects human rights in general and the rights of the child in particular. What Indonesia is doing in this regard is in conformity with the Indonesian Constitution and its traditional norms of what is the best for the child.

117. Over the last two years, despite numerous difficulties, Indonesia is trying to implement the Convention on the Rights of the Child by harmonizing its national laws with regard to the Convention. Furthermore, Indonesia is starting to disseminate the Convention to various outstanding groups of society, such as lawyers societies, medical societies, women's societies, and in particular organizations concerned with children.

118. To ensure that the child is a part of the national development movement, the Government has the intention to incorporate child issues into the proposed General Guidelines of State Policy, which will be decided by the People's Assembly in march 1993.

119. Indonesia welcomes the international organizations, especially the Commission on the Rights of the Child, to assist in the implementation of the Convention of the Rights of the Child.